

From: Legal Team <legal.team@ipr-helpdesk.org>
To: Leandros Kontogouris <aphle@otenet.gr>
Sent: 30 October 2000 16:44
Subject: Re: inquiry on patenting software in EU

Dear Leandros,

I have received your message and would like to thank you for the interest you have shown in our service.

Software patents are a sensitive issue in Europe.

On the one hand, computer programs are protected by copyright according to a 1991 European Directive (which is in force in Greece), but copyright protects only the source code and neither the algorithm nor the ideas and concept behind it.

On the other hand, software patents do not cover the source code but the method of resolution of a technical problem.

The problem is that computer programs as such are excluded from patentability by Article 52.2 of the European Patent Convention. All EU Member States including Greece have signed and ratified this Convention.

Nevertheless, the European Patent Office has been granting patents on software-related inventions for about 15 years now, using jurisprudential mechanisms such as the "technical effect" criteria. Therefore, there is a chance that a patent application on a software-related invention can lead to a granted patent.

We recommend that you consult a specialised European patent agent, the list of which can be find on our website, who will be able to determine with you whether your invention is likely to be patented in Europe.

We remain at your disposal for any further information.

Best regards,

Cyril PIERRE-BEAUSSE
Legal Expert

PS : please send your queries to the following address: legal.team@ipr-helpdesk.org

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